

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.848 OF 2005

Sahil Ahmed Idris Ahmed Mistry
and another ... Applicants
versus
The State of Maharashtra ... Respondent

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Mr.H.E. Palwe, for the Applicants.

Mr.K.V. Saste, A.P.P., for the Respondent.

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CORAM : A.M.KHANWILKAR, J.

23rd February 2005

P.C.:

1. Heard Counsel for the parties. The only circumstance so as to indicate complicity of the Applicants as pressed by the learned A.P.P. is that the Applicants were arrested with the co-accused in some other offence registered with Parner Police Station, while travelling in a car. The gold which was stolen relating to the present

offence was recovered from the said car. There is no other evidence to indicate that the Applicants had participated in the offence in question. No identification parade has been held. Recovery of gold, even accepting that the same pertained to the present case, by itself does not mean that the Applicants had actually participated in the main offence. If it is so, as investigation is complete and charge sheet has been filed, the Applicants deserve to be enlarged on bail on strict conditions as follows.

(A) The Applicants are granted bail in connection with CR.No.I-300/2004 registered with Vashi Police Station on his executing personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with two local sureties in the like amount.

(B) The Applicants shall regularly report to the concerned police station once in fortnight on Saturday between 10 a.m. to 2 p.m. as it is stated that the Applicant is not a permanent resident of

Vashi, during the pendency of the trial.

(C) The Applicants shall not tamper the prosecution evidence nor shall influence the prosecution witnesses in any manner whatsoever.

(D) The Applicants shall co-operate with the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicants are in any manner responsible for the delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR, J.)